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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/923,696	08/06/2001	Martin Gutfleisch	A-2899	1563

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EXAMINER

NGUYEN, ANTHONY H

ART UNIT PAPER NUMBER

2854

DATE MAILED: 08/06/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/923,696

Applicant(s)

GUTFLEISCH ET AL.

Examiner

Anthony H Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 May 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Claim Rejections - 35 U.S.C. § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3, 12, 16, 18, 24 and 26 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Gillich (US 4,886,553).

Gillich teaches a method and a device for clearing a re-imageable printing form with a fluid clearing medium in a non-abrasive manner. With respect to claims 12, 16 and 26, a device such as a sprayer is inherently used in Gillich since the cleaning fluid is sprayed into the plate. See Gillich, col. 4, lines 30-38.

Claim Rejections - 35 U.S.C. § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) a patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4 and 19 are rejected under 35 U.S.C. § 103 (a) as being unpatentable over Gillich (US 4,886,553) in view of Nussel et al. (US 5,317,970).

With respect to claims 4 and 19, Gillich teaches a method for clearing a re-imageable printing form with a fluid clearing medium in a non-abrasive manner. Gillich does not teach the

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use of a gaseous clearing medium for treating the printing form. Nussel et al. teaches the use of a gaseous clearing medium for treating the printing form (Nussel et al., col.2, the second paragraph). In view of the teaching of Nussel et al., it would have been obvious to one of ordinary skill in the art to modify the method of Gillich by using the gaseous clearing medium for treating the printing form as taught by Nussel et al. for uniformly treating the printing form.

Claims 5, 9, 15 and 20 are rejected under 35 U.S.C. § 103 (a) as being unpatentable over Gillich (US 4,886,553) in view of Gydesen (US 5,644,986).

With respect to claims 5 and 20, Gillich teaches a method for clearing a re-imageable printing form with a fluid clearing medium in a non-abrasive manner. Gillich does not teach the use of ultrasound during treatment of the printing form with fluid clearing medium. Gydesen teaches the use of ultrasound with cleaning medium (Gydesen, claim 4). In view of the teaching of Gydesen, it would have been obvious to one of ordinary skill in the art to modify the method of Gillich by providing the use of ultrasound with fluid clearing medium during the treatment of the printing form as taught by Gydesen for optimum cleaning a forming cylinder.

With respect to claim 9, the use of water as the fluid clearing medium is well known in the art.

With respect to claim 15, Gillich teaches the step of treating the printing form which is performed in a printing machine (see Gillich, col.4 lines 30-31). Also, note that the use of a clearing device outside a printing machine for clearing a printing form is conventional.

Claims 17 and 25 are rejected under 35 U.S.C. § 103 (a) as being unpatentable over Gillich (US 4,886,553).

With respect to claim 17, Gillich teaches a method and device for clearing a re-imageable printing form with a fluid clearing medium in a non-abrasive manner. Gillich does not teach clearly the device for applying fluid clearing medium to the ink - free printing form. However, it would have been obvious to one of ordinary skill in the art to use the device of Gillich for

applying fluid clearing medium to the ink-free printing form for cleaning other contaminated substance such as dust for maintaining optimum print quality. With respect to claim 25, the use of a device such as a housing for partitioning the printing form against effects of light is well known in the art.

Claim 13 is rejected under 35 U.S.C. § 103 (a) as being unpatentable over Gillich in view of Nussel et al. as applied to claim 4 above, and further in view of Shin et al. (US 6,148,728).

Gillich and Nussel et al. teach the method as recited except for the step of removing the printing form from the influence of light during the treatment with the gaseous medium. Shin et al. teaches a method for cleaning a printing plate which includes the step of removing the printing plate from the influence of light during treatment of the printing plate as shown in Fig. 1, step 4. (also, see Shin et al. col.6 line 21-27). It would have been obvious to one of ordinary skill in the art to modify the method of Gillich and Nussel et al. by providing the step of removing the printing from the influence of light as taught by Shin et al. for ensuring optimal plate or printing form quality.

Claims 6-8,10-12, 14, 21 and 22 are rejected under 35 U.S.C. § 103 (a) as being unpatentable over Gillich (US 4,886,553) in view of Koguchi et al. (US 6,082,263).

With respect to claim 6, Gillich teaches a method for clearing a re-imageable printing form with a fluid clearing medium in a non-abrasive manner. Gillich does not teach the step of exposing the printing form to the effects of a heat source during the treatment with the fluid clearing medium. Koguchi et al. teaches the step of exposing the printing form to a heat source 5A during treatment of the printing form (Koguchi et al., Fig.6). Therefore, it would have been obvious to one of ordinary skill in the art to modify the method of Gillich by providing the step of exposing the printing form to the effects of a heat source during treatment of the printing form as taught by Koguchi et al. for quickly drying the printing form.

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With respect to claims 7, 21 and 22, the selection of a desired heat source such as an infrared laser, a heat emitter, a hot-air blower involves only an obvious matter of design choice among many known equivalents and no unobviousness is apparent in selecting any well known heat source and using it in an environment in which it functions in the manner for which it is well known.

With respect to claims 8, 14 and 23, the step of exposing the printing form to higher atmospheric pressure or oxygen gas during treatment is well known in the art.

With respect to claims 10 and 11, the selection of a desired fluid clearing medium such as acid or an alkali or a base would be obvious through routine experimentation depending upon the material of the printing form in order to get best possible cleaning the printing form.

Response to Arguments

Applicants' arguments filed on May 16, 200 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

The patents to Bondurant, Kita et al., Sasaki et al. and Kühn et al. are cited to show other structures and method having obvious similarities to the claimed structure and method.

THIS ACTION IS MADE FINAL. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR

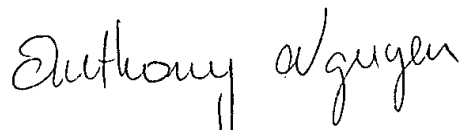
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1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anthony Nguyen whose telephone number is (703) 308-2869. The examiner can normally be reached daily from 9 AM to 5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Hirshfeld, can be reached on (703) 305-6619. The fax phone number for this Group is (703) 308-7722.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0956.



Anthony Nguyen
7/24/03
Patent Examiner
Technology Center 2800